

## **Report of the Strategic Director Environment & Sport to the meeting of the Bradford Area Licensing Panel to be held on 12 September 2016.**

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### **Subject:**

**Application for variation of a Premises Licence for Westfield Service Station, Whitehall Road, Wyke, Bradford, BD12 9LN.**

### **Summary statement:**

**Application for variation to extend permitted hours for the sale of alcohol for consumption off the premises and permit the provision of late night refreshment.**

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### **Portfolio:**

**Neighbourhoods & Community Safety  
Overview & Scrutiny Area:**

**Corporate**



## 1. SUMMARY

The application is for the variation of a Premises Licence to extend permitted hours for the sale of alcohol for consumption off the premises and permit the provision of late night refreshment.

## 2. BACKGROUND

### 2.1 The applicants

Rontec Watford Limited. A copy of the application is attached at Appendix 1.

### 2.2 The Premises

Westfield Service Station, Whitehall Road, Wyke. Bradford.

### 2.3 Designated Premises Supervisor

Ms Margaret Bagshaw

### 2.4 Current Licence

The premises currently hold a Premises Licence with the following permitted hours;

#### Sale/supply of alcohol

Monday to Sunday: 05.00 to 00.00

The Premises Licence is attached at Appendix 2.

### 2.5 Application

The variation application has been submitted to extend permitted hours for the sale of alcohol (for consumption off the premises) and permit the provision of late night refreshment.

Hours of licensable activities:

#### Sale/supply of alcohol

Monday to Sunday: 00.01 to 00.00 (24 hours)

#### Provision of late night refreshment

Monday to Sunday: 23.00 to 05.00



## 2.6 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by;

A CCTV system will be installed, or the existing system maintained, such system to be fit for purpose.

The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.

Any recording shall be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

The system will display, on any recording, the correct time and date of the recording.

A system will be in place to maintain the quality of the recorded image.

The CCTV system will be maintained so as to be fully operational throughout the hour that the premises are open for any licensable activity.

An incident book/register shall be maintained to record:

All incidents of crime and disorder occurring at the premises.  
Details of occasions when the police are called to the premises.

This book/register will be available for inspection by a police officer on request.

All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

Details of the time and date the refusal was made;  
The identity of the staff member refusing the sale;  
Details of the alcohol the person attempted to purchase.

The book/register will be available for inspection by a police officer on request.

b) Public safety will be achieved by;



The Premises Licence Holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

c) Prevention of public nuisance will be achieved by;

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

d) Protection of children from harm will be achieved by;

The Premises Licence Holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

All staff engaged or to be engaged in the sale of alcohol on the premise shall receive the following training in age restricted sales:

Induction training which must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request.

e) General – all four licensing objectives

None.

## **2.6 Relevant Representations Received**

### **Individual, Body or Business**

Five letters of representation and 68 pro-forma letters have been received from Ward Councillors and Individuals which raise concerns of anti-social behaviour, and an increase of noise and disturbance due to extended opening hours. Concerns are also raised about possible litter problems, youths congregating in the area and CSE issues.

The representations are attached at Appendix 3.



### **3. OTHER CONSIDERATIONS**

#### **Legal Appraisal**

- 3.1** The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
- a) the prevention of crime and disorder
  - b) public safety
  - c) the prevention of public nuisance
  - d) the protection of children from harm
- 3.2** The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 3.3** Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4** Only "relevant representations" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5** Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

#### **Statement of Policy Issues**

- 3.6** The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder) and Part 6 (prevention of public nuisance).
- 3.7** The Annexes to the Policy sets out various types of model condition that could be considered.

### **4. OPTIONS**

- 4.1** Members may:
- (a) Vary a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
  - (b) Vary a premises licence in whole or in part subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or



(c) Refuse to vary the premises licence.

**4.2** Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

**5. FINANCIAL & RESOURCE APPRAISAL**

There are no apparent finance or resource implications.

**6. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management and governance implications.

**7. LEGAL APPRAISAL**

Referred to in part 3 of this report.

**8. OTHER IMPLICATIONS**

**8.1 EQUALITY & DIVERSITY**

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

**8.2 SUSTAINABILITY IMPLICATIONS**

There are no apparent sustainability implications.

**8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent implications.

**8.4 COMMUNITY SAFETY IMPLICATIONS**

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

**8.5 HUMAN RIGHTS ACT**

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance

with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.



Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

**8.6 TRADE UNION**

Not applicable.

**8.7 WARD IMPLICATIONS**

Ward Councillors have been notified of receipt of the application.

**9. NOT FOR PUBLICATION DOCUMENTS**

None.

**10. RECOMMENDATIONS**

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s).

**11. APPENDICES**

1. Application form received 22 July 2016. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on [www.bradford.gov.uk](http://www.bradford.gov.uk)).
2. Current Premises Licence.
3. Letters of representation.

**12. BACKGROUND DOCUMENTS**

Application form, plan etc.

